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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,301	10/15/2003	Paul R. Erickson	05918-342001	8854

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EXAMINER	
RODRIGUEZ, RUTH C	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,301	ERICKSON ET AL.	
	Examiner	Art Unit	
	Ruth C. Rodriguez	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 March 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/15/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 15 June 2006 has been considered for this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (US 5,260,015 B1) in view of Igaue et al. (US 6,332,250 B1).

Kennedy disclose a strip-form touch fastener component comprises a resin base (20) and a reinforcement fabric (23,27). The resin base has a front surface and an array of fastener elements (21) project from the front surface. Each fastener element has a stem extending contiguously from the front surface of the base and formed of resin forming at least a portion of the base and a head disposed on the stem above the base and forming an overhang for releasably engaging fibrous loops (Fig. 5 and 8). The reinforcing fabric is on a side of the resin base opposite the fastener elements (Figs. 5

and 8). The fabric comprises two distinct layers of yarns including an anchor layer and outer layer (Base of reinforcing fabric and the loops). The anchor layer faces the resin base and comprises filaments embedded within resin of the base to anchor the fabric to the base (Figs. 5 and 8). The outer layer comprising float filament sections extending generally along an outer surface of a back side of the fastener component such sections connected to the back side of the fastener component only at their ends and otherwise close to the back side of the fastener component (Figs. 5 and 8). Kennedy fails to disclose that the float filaments are lying against the back of the fastener component. However, Inague teaches a fattener component (1) including a loop member (4) having a base sheet and a plurality of continuous filaments extending from the base sheet. The loop member comprising sections extending generally along an outer surface of a base sheet of the fastener component such sections connected to the back side of the fastener component only at their ends and lying against to the back side of the fastener component (Figs. 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the loop member taught by Inague that has sections connected to the back side of the fastener component only at their ends and lying against to the back side of the fastener component in the reinforcing fabric disclosed by Kennedy. Doing so, not only reinforces the resin base but also provides a loop fastener that creates a self-engaging touch fastener component where the loop member comprising sections extending generally along an outer surface of a base sheet of the fastener component such sections connected to the back side of

the fastener component only at their ends and lying against to the back side of the fastener component.

Igaue teaches that:

- The float filament sections extend generally straight between their connected ends (Figs. 1-5).
- The float filament sections are substantially free of resin of the base between their ends (Figs. 1-5).
- The float filament sections extend in a direction generally across the strip-form fastener component (Figs. 5 and 8).

Kennedy discloses that:

- The float filament sections are sections of filaments of multifilament yarns of the reinforcing fabric (C. 9, L. 65-68 and C. 10, L. 1-15)
- The float filament sections extend in a direction generally across the strip-form fastener component (Figs. 5 and 8).
- The reinforcing fabric is a knit fabric and the knit fabric defines a technical face and a technical back (C. 9, L. 65-68, C. 10, L. 1-15 and Figs. 5 and 8).

Kennedy discloses a strip-form touch fastener component comprises a resin base (20) and reinforcing fabric (23,27). The resin base has a front surface and an array of fastener elements (21) project from the front surface. Each fastener element has a stem extending contiguously from the front surface of the base and formed of resin forming at least a portion of the base and a head disposed on the stem above the base and forming an overhang for releasably engaging fibrous loops (Figs. 5 and 8).

The reinforcing fabric directly laminated to a side of the resin base opposite the fastener elements (Figs. 6 and 8). The fabric comprises a knit material with float filament sections extending generally along an outer surface of a back side of the fastener component such sections connected to the back side of the fastener component only at their ends, and otherwise lying close to back side of the fastener component (C. 9, L. 65-68 and C. 10, L. 1-15). However, Inague teaches a fattener component (1) including a loop member (4) having a base sheet and a plurality of continuous filaments extending from the base sheet. The loop member comprising sections extending generally along an outer surface of a base sheet of the fastener component such sections connected to the back side of the fastener component only at their ends and lying against to the back side of the fastener component (Figs. 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the loop member taught by Inague that has sections connected to the back side of the fastener component only at their ends and lying against to the back side of the fastener component in the reinforcing fabric disclosed by Kennedy. Doing so, not only reinforces the resin base but also provides a loop fastener that creates a self-engaging touch fastener component where the loop member comprising sections extending generally along an outer surface of a base sheet of the fastener component such sections connected to the back side of the fastener component only at their ends and lying against to the back side of the fastener component.

Kennedy discloses a touch fastener having all the features listed above in paragraph 5 for the rejection of claims 1 and 31. Kennedy fails to provide any

dimensions of the float filament sections. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have he float filament sections extend no more than about 0.3 millimeter from a back surface of the resin base, the float filament sections are at least about 0.03 millimeter from the back surface of the resin base, the float filament sections extend about 0.15 millimeter from the back surface of the resin base, the float filament sections have an average float length of at least about two millimeters, the average float length is between about 2 and 10 millimeters, an average float length of the float filament sections is more than about 10 times as long as a nominal distance the float filament sections extend from a back surface of the resin base, or the float filament sections are arranged in a pattern of at least about 150 float filament sections per square centimeter of the back side of the fastener component for the touch fastener disclosed by Kennedy since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Especially since it is well known in the art at the time the invention was made to changed the dimensions of the different elements in order to reinforce the touch fastener in accordance with the application where it is being used.

The yarns can be multifilament yarns because the Examiner takes Official Notice that knit fabrics with loops are commonly made with multifilament yarns. Additionally, these knit fabrics have each yarn contains from 10 to 13 discrete filaments, the yarns are between about 20 and 170 denier and each yarn filament is between about 2 and 40 denier, the technical face can face the resin base with the technical back providing

the float filament sections, the technical back is in an unnapped condition and the fabric can comprises between about 20 and 60 courses per inch or between about 47 and 55 courses per inch or between about 15 and 60 wales per inch or between about 32 and 38 wales per inch.

The reinforcing fabric is a warp knit fabric (C. 9, L. 65-68 and C. 10, L. 1-15).

The fabric can be stabilized in a post-knit, cross-wale stretch condition (C. 9, L. 65-68 and C. 10, L. 1-15).

Regarding to claims 30 and 55, Kennedy fails to disclose that the fastener component has a Stitch Hole Tear Strength of at least 2.0 pounds. However, the reinforcing fabric provided for the fastener component adds strength to the base and also provides a substantial modification of the base of the hook component (C. 6, L. 3-8). Such a reinforcement can provide a Stitch Hole Tear Strength of at least 2.0 pounds. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the fastener component can have a Stitch Hole Tear Strength of at least 2.0 since the reinforcing fabric adds strength to the base and also provides a substantial modification of the base of the fastener component that can suffer tear by repeated use of the touch fastener.

Response to Arguments

4. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The other references relevant to the invention since they show the state of the art of touch fasteners having some of the features being claimed by the current application are cited in form PTO 892- Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
September 5, 2006

ROBERT J. SANDY
PRIMARY EXAMINER